

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-219754

DATE: September 5, 1985

MATTER OF: Electronic Systems U.S.A., Inc.

DIGEST:

To be considered an interested party so as to have standing to protest under the Competition in Contracting Act of 1984 and the General Accounting Office implementing Bid Protest Regulations, a party must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. A manufacturer which supplies equipment to potential bidders or offerors, but which is not a potential bidder or offeror in its own right, is not an interested party.

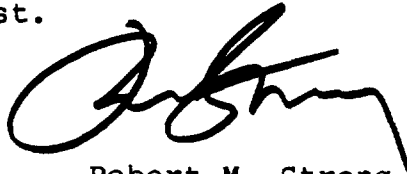
Electronic Systems U.S.A., Inc. (Electronic), protests as restrictive the specifications of solicitation No. N62474-83-B-2280 issued by the Naval Facilities Engineering Command (Navy). The basis for protest is that the solicitation requires the use of a particular manufacturer's parts, which restricts competition to a sole source. Electronic maintains that it manufactures parts equal to those specified in the solicitation. The Navy reports that Electronics is a prospective supplier.

An interested party is defined in the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(2) (West Supp. 1985), as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract." This statutory definition of an "interested party" is reflected in the language of our Bid Protest Regulations, which implement the CICA. 4 C.F.R. § 21.0(a) (1985). Accordingly, with respect to all bid protests filed on or after January 15, 1985, the effective date of this authority, only protests involving a direct federal procurement filed by a party that comes within the statutory definition of an interested party can be considered. See

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ADB-ALNACO, Inc., B-218541, June 3, 1985, 64 Comp. Gen. ___, 85-1 C.P.D. ¶ 633; PolyCon Corp., B-218304; B-218305, May 17, 1985, 64 Comp. Gen. ___, 85-1 C.P.D. ¶ 567. Under CICA and our implementing Bid Protest Regulations, Electronic's interest as a manufacturer of equipment to be supplied to potential bidders is not sufficient for it to be considered an interested party.

We dismiss the protest.

A handwritten signature in black ink, appearing to read "R. Strong", is written over the typed name.

Robert M. Strong
Deputy Associate General
Counsel